

§13-250-5 Definitions. ***

“Global Positioning System (GPS)” means the method of terrestrial navigation using a GPS electronic instrument, receiving data from a network of orbiting satellites to locate one’s position by latitude and longitude.

“Tow-in surfing” means utilizing a surfboard equipped with foot straps to surf waves with the assistance of a thrill craft that is equipped with a rescue sled, bow tow-line and a tow-in-rope.***

[Eff am] (Auth: HRS §§200-2, 200-3, 200-4, 200-22, 200-24,200-37)(Imp: HRS §§200-2, 200-3, 200-4, 200-22, 200-24, 200-37)

§13-256-22 Tow-in surfing. (a) The State assumes no responsibility or liability associated with tow-in surfing.

(b) Only thrill craft may be used for tow-in surfing.

(c) All thrill craft being used for tow-in surfing shall be recorded with the department using forms provided by the department.

(d) Tow-in surfing decals shall be provided at the time the vessel is recorded with the department and shall be required to be prominently displayed on the front half of the vessel.

(e) Thrill craft not recorded with the department for tow-in surfing are prohibited from displaying a tow-in surfing decal.

(f) Effective September 1, 2004, both the thrill craft operator and surfer, who engage in, or operate a thrill craft for tow-in surfing, shall be required to possess, and make available upon demand of enforcement personnel, a certificate of completion from an accredited institution of higher education in Hawaii on the safe use and operation of a thrill craft in high surf, that includes but is not limited to:

- (1) Local ocean safety principles and practices;
- (2) Hawaii Administrative Rules as they apply to boating;
- (3) The historical, cultural, and customary practices of Hawaii's ocean users; and
- (4) Any rules or laws pertaining to protected species and thrill craft operation in the State.

(g) When operating a thrill craft for tow-in surfing, all operators shall:

- (1) Carry on board a two-way communicating device;
- (2) Tow-in a maximum of one person at any one time;
- (3) Carry dive fins and a safety knife on their person; and
- (4) Yield right of way to all other boating or ocean recreation activities by leaving the same surfing break area and remaining a minimum of one thousand feet from the other activities.

(h) Notwithstanding section 13-256-17, within designated ocean recreation management areas, thrill craft used for tow-in surfing may enter the ocean recreation management area to gain access to and from a surfing site and for board and personnel recovery, rescue, and emergency purposes only in areas designated specifically for this activity as described in sections 13-256-23, 13-256-24 and 13-256-25.

(i) Unless otherwise provided by rule, towing surfers into waves within a designated ocean recreation management area shall be prohibited.

(j) Tow-in surfing may only be conducted during periods of high surf warning as declared by the National Weather Service.

(k) Notwithstanding section 13-244-18, surfers engaged in tow-in surfing shall not be required to wear a life-saving device.

(l) Thrill craft used for tow-in surfing may gain access to State waters from boat ramps, harbor facilities or from private beach front property and access the designated tow-in surfing area by the most direct route consistent with safety considerations.

(m) In addition to equipment required by the U.S. Coast Guard for vessels, all thrill craft used for tow-in surfing shall be equipped with the following:

- (1) A rescue sled that is a minimum of three feet wide, four feet long and three inches thick.

The sled shall have a minimum of five hand-grip handles, two of which shall be on the port side, two on the starboard side and one at the bow of the sled. The sled shall not exceed the thrill craft load capacity recommended by the manufacturer;

(2) A quick-release tow-rope a minimum of thirty-feet long; and

(3) A bow tow-line a minimum of six feet long.

(n) Notwithstanding section 13-244-9, thrill craft used for tow-in surfing may be in proximity of the shoreline and tow-in surfers and travel at a speed greater than slow-no-wake when accessing the ocean or shoreline or when retrieving a surfboard or surfer in accordance with this subchapter.

(o) The thrill craft shall be operated at all times with due care for the rights and safety of people and property and the operator shall abide by any state or federal laws as they pertain to protected species.

(p) All participants in tow-in surfing special events shall be required to possess a certificate of completion as described in subsection (f).

(q) Notwithstanding section 13-256-17(d), operators of a thrill craft used for filming tow-in surfing shall possess a certificate of completion as required by subsection (f).

[Eff _____] (Auth: HRS §§200-2, 200-3, 200-4, 200-22, 200-24, 200-37)

(Imp: HRS §§200-2, 200-3, 200-4, 200-22, 200-24, 200-37)

§13-256-23 Oahu Tow-in surfing areas. (a) Persons may conduct tow-in surfing seaward of the North Shore Oahu Ocean Recreation Management Area (ORMA) between Kaena Point at 21 degrees 34.488 minutes north, 158 degrees 16.835 minutes west, and Kahuku Point at 21 degrees 42.817 minutes north, 157 degrees 59.061 minutes west, and may extend their operation into the ORMA waters for board and personnel recovery, rescue, and emergency purposes, except within the following restricted areas as shown on Exhibit “1-A,” titled “Ocean Recreation Management Areas Designated Tow-in Surfing Areas North Shore Oahu,” dated January 4, 2002, located at the end of this subchapter, and described as follows (all positions of latitude and longitude are provided in global positioning system (GPS) coordinates):

(1) Area A, which includes all waters seaward and perpendicular to the shoreline within the ORMA boundary, including the waters of Kawela Bay, beginning at 21 degrees 42.573 minutes north, 157 degrees 59.902 minutes west, then proceeding along the shoreline to 21 degrees 41.617 minutes north, 158 degrees 01.155 minutes west, facing the “Dog Island”;

(2) Area B, which includes the waters seaward and perpendicular to the shoreline bounded by a line drawn from the shoreline at 21 degrees 40.753 minutes north, 158 degrees 02.530 minutes west, then west to the seaward boundary of the ORMA at 21 degrees 40.753 north, 158 degrees 03.580 minutes west, then south to the shoreline at 21 degrees 39.750 north, 158 degrees 03.580 minutes west;

(3) Area C, which includes all waters seaward and perpendicular to the shoreline within the ORMA boundary beginning at the north end of Shark’s Cove at 21 degrees 39.318

minutes north, 158 degrees 03.818 minutes west, then proceeding south along the shoreline to 21 degrees 38.351 minutes north, 158 degrees 04.227 minutes west at the west end of Waimea Bay; and

- (4) Area D, which includes all waters seaward and perpendicular to the shoreline within the ORMA boundary beginning at 21 degrees 35.019 minutes north, 158 degrees 08.090 minutes west facing the eastern edge of “Hammerheads” surf break, then proceeding west along the shoreline to 21 degrees 35.015 minutes north, 158 degrees 08.435 minutes west facing the western edge of “Hammerheads” surf break.

No thrill craft, except for rescue and enforcement units, shall operate in these restricted areas; provided that thrill craft operated under the direct supervision of an instructor who possesses a certificate of completion as described in section 13-256-22(g), and has been issued a permit pursuant to section 13-244-19 for tow-in surfing training, may be allowed in Area “B” during calm sea conditions in the summer months as provided in these rules.

(b) The following described areas are designated for training and instruction in tow-in surfing techniques, as shown on Exhibit “1-A,” titled “Ocean Recreation Management Areas Designated Tow-in Surfing Areas North Shore Oahu,” dated January 4, 2002, and located at the end of this subchapter. The trainee shall be under the direct supervision of an instructor who possesses a certificate of completion as described in section 13-256-22(g), and has been issued a permit pursuant to section 13-244-19:

- (1) Training Area 1, which includes all waters seaward and perpendicular to the shoreline within the ORMA boundary beginning at Kahuku Point at 21 degrees 42.817 minutes north, 157 degrees 59.061 minutes west, then proceeding to the western shore of Turtle Bay at 21 degrees 42.573 minutes north, 157 degrees 59.902 minutes west (contiguous with the eastern boundary of restricted area A); and
- (2) Training Area 2, which includes all waters seaward and perpendicular to the shoreline within the ORMA boundary beginning at 21 degrees 41.617 minutes north, 158 degrees 01.155 minutes west, facing “Dog Island”, then southwest along the shoreline to 21 degrees 40.753 minutes north, 158 degrees 02.530 minutes west, fronting the “Revelations” surf site. [Eff _____] (Auth: HRS §§200-2, 200-3, 200-4, 200-22, 200-24, 200-37) (Imp: HRS §§200-2, 200-3, 200-4, 200-22, 200-24, 200-37)

§13-256-24 Kauai Tow-in surfing areas. (a) Areas of ocean waters, excluding the designated ocean recreation management areas (ORMA), surrounding the island of Kauai where tow-in surfing is allowed are shown on Exhibit “1-B,” titled “Ocean Recreation Management Areas Designated Tow-in Surfing Areas Island of Kauai,” dated January 4, 2002, located at the end of this subchapter, and described as follows (all positions of latitude and longitude are provided in global positioning system (GPS) coordinates):

- (1) Area I, which includes waters seaward and perpendicular to the shoreline beginning at Kailiu Point at 22 degrees 13.430 minutes north, 159 degrees 34.855 minutes west,

then east along the shoreline (including Hanalei Bay) and ending at the southeastern point of Moloaa Bay at 22 degrees 11.675 minutes north 159 degrees 19.495 minutes west;

- (2) Area II, which includes waters seaward and perpendicular to the shoreline beginning at the northeast point of Papaa Bay at the 22 degrees 10.675 minutes north, 159 degrees 18.630 minutes west, then south along the shoreline and ending at Hanamaula Bay at 21degrees 59.658 minutes north, 159 degrees, 20.050 minutes west;
- (3) Area III, which includes waters seaward and perpendicular to the shoreline beginning at Hanapepe Bay at 21 degrees 53.755 minutes north, 159 degrees 35.855 minutes west, then west and north along the shoreline ending at the shoreline at Keawanui Point at 22 degrees 09.000 minutes north, 159 degrees 43.385 minutes west.

Persons engaged in tow-in surfing activities may extend their operation into designated ORMA waters for board and personnel recovery, rescue, and emergency purposes.

(b) Training and instruction in tow-in surfing techniques may be conducted on a case-by-case basis at selected areas in accordance with a permit issued pursuant to section 13-244-19, provided that the trainee is under the direct supervision of an instructor who possesses a certificate of completion as described in section 13-256-22(g). [Eff _____] (Auth: HRS §§200-2, 200-3, 200-4, 200-22, 200-24, 200-37)(Imp: HRS §§200-2, 200-3, 200-4, 200-22, 200-24, 200-37)

§13-256-25 Maui Tow-in surfing area. (a) The area of ocean waters, excluding the designated ocean recreation management area (ORMA), north of the island of Maui that is designated for tow-in surfing activities is shown on Exhibit “1-C,” titled “Ocean Recreation Management Areas Designated Tow-in Surfing Area Island of Maui,” dated January 4, 2002, located at the end of this subchapter, and described as follows (all positions of latitude and longitude are provided in global positioning system (GPS) coordinates):

Waters seaward and perpendicular to the shoreline beginning at the base of the Kahului Harbor west breakwater located at 20 degrees 53.890 minutes north, 156 degrees 28.790 minutes west, then east along the shoreline ending at the eastern point of Kuau Beach at 20 degrees 55.780 minutes north 156 degrees 22.000 minutes west;

Persons engaged in tow-in surfing activities may extend their operation into ORMA waters located within three thousand feet of the shoreline for board and personnel recovery, rescue, and emergency purposes.

(b) Training and instruction in tow-in surfing techniques may be conducted on a case-by-case basis at selected areas in accordance with a permit issued pursuant to section 13-244-19, provided that the trainee is under the direct supervision of an instructor who possesses a certificate of completion as described in section 13-256-22(g). [Eff _____](Auth: HRS §§200-2, 200-3, 200-4, 200-22, 200-24, 200-37)(Imp: HRS §§200-2, 200-3, 200-4, 200-22, 200-24, 200-37)

Amendments to chapter 13, title 13, Hawaii Administrative Rules, on the Summary Page dated February 26, 2003 were adopted on January 24, 2003 following public hearing held on October 19, 2002, after public notice as given in the Honolulu Star-Bulletin, The Maui News, The Garden Island News, the Hawaii Tribune-Herald and West Hawaii Today on September 10, 2002, September 12, 2002, September 12, 2002, October 1, 2002, and October 1, 2002.

They shall take effect ten days after filing with the Office of the Lieutenant Governor.

Peter T. Young, Chairperson
Board of Land and Natural Resources

LINDA LINGLE
Governor
State of Hawaii

Dated: _____

Filed

APPROVED AS TO FORM:

Deputy Attorney General